

Board of Selectmen's Meeting Minutes

April 22, 2010

Harpswell Town Office

Approved May 20, 2010

Page 1 of 7

The Board of Selectmen opened the meeting at 5:00 p.m. Chairman Henderson moved, seconded by Selectman Multer to enter executive session pursuant to 1 M.R.S.A. § (6)(A) regarding personnel evaluation; motion passed 3-0.

The Board returned to open session at approximately 5:30 to handle administrative matters: the review ratio declaration and reimbursement application was delayed until the Assessing Office is prepared to proceed; Administrator Eiane received input from the Board for the Cumberland County Services survey; the insurance renewal was tabled pending further information; purchase orders exceeding \$1,000 in value were reviewed with staff and signed or tabled for more information. Selectman Multer suggested sending a letter to groups that would appear on Selectmen's agenda that the information is required by the close of business on Monday of the meeting week. Chairman Henderson requested follow up of the payment of Shellfish Licenses policy, also of the private road clearing issue and of the local tax ordinance option to help keep the elderly in their homes. Chairman Henderson reiterated the need for the Road Commissioner to look at certain roads and provide information re: posting. Chairman Henderson asked that requests for proposals be sent to local Harpswell businesses and perhaps the best method is to develop a directory. The Board discussed campaigning at the Recycling Center and asked the Town Administrator to obtain a legal opinion.

Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Kristi Eiane, Town Administrator; Bill Wells, Code Enforcement Officer; Marguerite Kelly, Treasurer; and Gina Perow, Recreation Director

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:30 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Wallace to add 9a. Consent Agreement with Orr's Island Library and 20a. Other Business: Recreational Grants and to adopt the amended agenda; motion passed 3-0.

2. Public Comment: Howard Nannen encouraged the public to attend the great Harpswell Energy Marketplace on Saturday, May 1 from 11:00 a.m. to 3:00 p.m. at Harpswell Islands School where there will be lots of information on energy efficiency. Ed Sparks announced the Town's emergency communication equipment is now active on the communication tower and is at an elevation that is testing well in Harpswell. Mr. Sparks thanked Dan Ouellete of Active Communications for his work in staying on budget and on time. Administrator Eiane thanked Ed Sparks for the tremendous amount of time he volunteered with this project and his expertise. Ann Standwidge, of Friends for Harpswell Education, stated her dissatisfaction with the SAD 75's effort to rescind the Town's recent decision to keep West Harpswell School open. Joanne Rogers [with Dee Rogers], school board members, spoke as individuals and stated that while this year was a difficult one, the importance of education was always placed first. Ms. Rogers expressed regret for the implications that the SAD 75 School Board was fraudulent in some way during the West Harpswell School closing process and she hoped there will be a more respectful manner in the future. Ms. Rogers stated the Town of Harpswell's projected 2010-2011 assessment was available in many ways, including at Finance Committee meetings. Ms. Rogers regrets the Board of Selectmen's letter to Superintendent Wilhelm implying the information was not available. Selectman Multer asked Joanne Rogers if there was any movement for the School Board to rescind the closure decision; Ms. Rogers responded there has been no discussion except for at the Strategic Planning Committee about possible vote for closure this year. Selectman Multer stated she believed the word "rescind" from earlier is incorrect as State law allows the School Board to decide each year. Joe Stevens, of Friends for Harpswell Education, agreed the term was not used accurately and the issue is that the current School Board members are

trying to push an early vote regarding the closure of West Harpswell School before July when the new Harpswell School Board member takes office.

3. Town Administrator's Report: Administrator Eiane thanked Goodall Landscaping for their work with the Harpswell Garden Club earlier today on the front garden in honor of Earth Day: mulching the front gardens and installing new plantings. Administrator Eiane announced that this Saturday is the annual road side clean up event and the coordinator is David I. Chipman who encourages everyone to participate and stop by local Harpswell stores to pick up free trash bags. People can clean up in front of their homes or a large stretch of road. The full bags must be left on a main road for pick up. There will be a free lunch at the Grange at noon for the volunteers. Administrator Eiane stated there is no charge at the Transfer Station for disposal of the bags associated with the roadside clean up. Administrator Eiane reported she attended a presentation at Eco Maine where she picked up the Town of Ogunquit's Top 10 Ways to Go Green, which she read for the public. In follow up of Ed Sparks' statements, Administrator Eiane reported that the Town's emergency communication is now active on the tower and should bring great improvements to communication. Administrator Eiane reported there is still one outstanding issue with Comcast regarding the franchise agreement and she will keep the Board updated on the progress. Administrator Eiane reported that the Department of Transportation (DOT) has contacted her to find out if the Town wants to partner with DOT in improving Cundy's Harbor Road and that they need an answer within a month.

4. Selectmen's Announcements: Selectman Wallace stated the Transfer Station has reclaim, which works well in filling driveway pot holes. Selectman Multer announced there will be another forum regarding the Mitchell Field zoning and performance standards at West Harpswell School on April 28 at 5:00 p.m. Selectman Multer encouraged the public to attend and have input in the process now. she suggested the use of a special plug with a switch for use with appliances that use electricity even when they are shut off. Selectman Multer will provide more specific information on the website.

5. Spectrum Generations Outreach: Joanne Rosenthal, of Spectrum Generations, stated that Spectrum is now located in its new building at 12 Main Street, Topsham. Ms. Rosenthal reviewed the services Spectrum offers local communities, including Harpswell, such as Meals on Wheels and encouraged residents to call or stop by.

6. Robert and Mary Ramsdell Wharf Application, Map 60, Lot 52: Bill Wells, Code Enforcement Officer, reviewed the application and recommended its approval. Chairman Henderson questioned how much water was available at the float at low tide; Mr. Wells responded very little. Chairman Henderson opened the public hearing. Benjamin Wallace, applicant's representative, answered questions from the Board. Chairman Henderson moved, seconded by Selectman Wallace to approve the seasonal wharf system as it does not cause a hazard to navigation or creates injury to the rights of others; motion passed 3-0.

7. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her report (attached) for March and the first quarter. Ms. Kelly reported the resident with whom the Town has entered into an installment agreement is current in payments, which will last until 2013. Ms. Kelly reported the Town will receive a refund in interest paid on a past borrowing due to a refinancing by the Maine Municipal Bond Bank.

8. Selection of Banking Institution for Tax Anticipated Financing: Marguerite Kelly, Treasurer, noted that 9 requests for proposal were sent out with 7 responses; 3 declined and 4 provided rate responses. Androscoggin Savings Bank responded with the lowest interest rate at 1.08% and Ms. Kelly recommended the Board accept the bid and adopt the necessary resolution. Paul Soucie, of Androscoggin Bank, the low bidder, stated he was pleased to assist the Town. In the interest of full disclosure, Chairman Henderson stated Mr. Soucie was a student of his years ago at University of Southern Maine. Selectman Multer moved, seconded by Selectman Wallace to accept the bid from Androscoggin and adopt the resolution; motion passed 3-0. Selectman Multer

inquired what the Town could make in interest if borrowed all at once. Ms. Kelly responded she has been advised the highest interest rate is .8% which is less than the cost of the borrowing.

9. 7:00 p.m. Public Hearing to Consider First-Time Malt and Vinous Application for the Harpswell Inn, 108 Lookout Point Road: Chairman Henderson opened the hearing and then closed it since there were no comments from the public. Chairman Henderson moved, seconded by Selectman Wallace to approve the application for malt and vinous for the Harpswell Inn; motion passed 3-0.

9a. Consent Agreement with the Orr's Island Library: Administrator Eiane explained this agreement was drafted by the Code Office and finalized by the Town Attorney, who recommends the penalty language to remain. Chairman Henderson explained the Board reviewed the issue at a previous meeting and this is in follow up to the Library receiving variances from the Board of Appeals and exceeding one of them. Chairman Henderson moved to agree to this Consent Agreement and not assess a penalty; motion passed 2-0 (Selectman Multer abstained).

10. Town Planner's Update: Carol Tukey, Town Planner, asked if the Board would like to hold a meeting on Tax Incremental Financing (TIF) concepts and she would invite someone from the State to explain the process, pros and cons. The Board concurred. Ms. Tukey explained the Comprehensive Plan Implementation Committee has been working hard on implementing the Plan's standards with the consultant. Ms. Tukey announced the CPIC forum on June 2 at 7:00 p.m. at the Harpswell Islands School. Ms. Tukey asked the Board to consider extending the consultant's contract until March 2011. Ms. Tukey answered Board questions regarding the extension covering the same services with no increase in cost, but extending the timeline. Ms. Tukey reviewed the ordinance changes she considered important to pursue this coming year. Chairman Henderson stated the Board will go into more detail within the next month. Ms. Tukey reported the New Meadows River Watershed grant for erosion control was turned down, which was good since the matching funds need to be sought. Ms. Tukey asked the Board to consider providing a match of about \$17,000 for homeowners to resolve these major road erosion issues to protect Harpswell waters. Selectman Wallace questioned why the Town has to pay for private road issues. It was discussed that there is a public benefit in preventing the erosion from carrying pollution into the waterways. The Board asked questions including whether the existing erosion is in violation of existing rules, which will be investigated. Other questions were raised about potential ordinance changes.

11. Recycling Center Update

- **Painting Trash Compactor:** Fred Cantu, Recycling Center Manager, stated the compactors are about 10 years old and require painting to extend their life. In September an RFP was sent out and no one responded with the requested schedule of performing the work while the facility is closed. In March, another RFP was sent and again no one responded. A couple of weeks ago, Mr. Cantu spoke with a company in New Hampshire that is willing to do the work but requires two days, a Monday and Tuesday. To do so, Mr. Cantu requested the facility be closed on 5/24 and 5/25 (with rain dates) to perform the work. Chairman Henderson moved, seconded by Selectman Multer to accept the Recycling Center Manager's recommendation to paint the compactors at a maximum cost of \$4,000 and close the facility on May 25; motion passed 2-0 (Selectman Wallace abstained).
- **Wood Grinding:** Mr. Cantu explained the Town's demolition wood was ground at the end of 2009/beginning of 2010 and failed the Department of Environmental Protection test for pressure treated wood content. In order to arrange for disposal of the chips, Mr. Cantu supplied three options and recommended the option that has the grinding company return and grind the demo wood collected this year and mix with the wood chips. This should dilute the existing pile and make the mix able to pass a test to then allow for proper disposal to a mill. Mr. Cantu estimated the costs to dispose of this existing pile and the new wood to use the 2010 budget of \$17,000. The Board discussed increasing the amount to allow for the estimated weights. Administrator Eiane recommended having a written agreement in place prior to

proceeding with the proposal. Chairman Henderson moved, seconded by Selectman Multer to accept the manager's recommendation and authorize the Town Administrator to finalize an agreement in an amount not to exceed \$19,000; motion passed 2-0 (Selectman Wallace abstained).

- **Universal Waste Agreement:** Mr. Cantu explained the bulbs and other universal waste have been disposed of by one company that has undergone multiple ownerships. Mr. Cantu explained the current company is requesting an agreement to sole source with them and he recommended the agreement as the prices are most competitive and they have provided good service. Chairman Henderson wanted assurance that the Town could exit the agreement at any time. Chairman Henderson moved, seconded by Selectman Multer to enter into the agreement with Universal Recycling Technology provided the Town Administrator develop the appropriate legal agreement; motion passed 2-0 (Selectman Wallace abstained).

12. Consider Issuing 30-day Notice for Abandoned Boat at Garrison Cove: Jim Hays, Harbormaster, explained there is a boat on the shore at Garrison Cove and the Town has received complaints about it. Chairman Henderson asked why the Board would send a 30-day notice if it appears the owners could remove it shortly after 30 days. Mr. Hays expressed concerns about the removal taking place at that time and that the Harbor & Waterfront Ordinance defines the boat as an abandoned vessel and the Board of Selectmen can order its removal. Selectman Multer suggested sending the 30-day notice on May 8 and date it May 8 which will give the owners time to remove it during the May 30 tide as they anticipate. Mr. Hays stated the boat is actually located on private property and he believes the Town needs to be careful on addressing boats on private property that are not navigational hazards. Mr. Hays indicated the owner of the property that the boat is in front of has not filed a complaint. Mr. Hays mentioned there are two skiffs on the Town property at Garrison that qualify as abandoned as well. Administrator Eiane read section 4.2 abandoned vessel from the Harbor & Waterfront Ordinance that includes a statement that a boat is abandoned if it is located on property without the property owner's permission. The Board discussed tabling the 30-day notice to contact the property owner. Chairman Henderson moved, seconded by Selectman Wallace to table the item for further review and information; motion passed 3-0.

13. Consider Issuing Request for Proposals for Fire Department Pumper: David Mercier, Harpswell Neck Fire Department Chief, reviewed that individual Fire Companies establish vehicle needs, specifications, and overall what is in the best interest of the Town. The Emergency Vehicles Committee, that includes representatives from other departments, then reviews the information. Mr. Mercier stated the specifications of this pumper were modeled after the Department's existing pumper for many reasons including familiarity for responders. The new pumper will meet all NFPA standards. Selectman Multer asked about the references of "no exceptions" throughout; Mr. Mercier said the specifications were boiler plate. Selectman Multer requested the references be reviewed and considered for removal to allow vendors flexibility. Chairman Henderson suggested vendors could provide responses identical to the request and another one with variations. By unanimous vote, the Board voted to table this item to allow Mr. Mercier to address the "no exceptions" in the specifications; motion passed 3-0.

14. Consider Harpswell Neck Fire Dept. Request for Controlled Burn at Mitchell Field: David Mercier, Harpswell Neck Fire Department Chief, stated he is withdrawing his request as he does not have the resources to complete this task within such a small window of opportunity. Mr. Mercier hoped to request permission earlier, such as in March, to then allow for proper scheduling. The Board discussed perhaps creating a new form for the Fire Department to use for training purposes at Mitchell Field that is simplified and outlines the Board's key points of needed information.

Mona Chipman stated she would like to use Mitchell Field for a required State training for rescue drivers at Mitchell Field on Saturday. Ms. Chipman provided a rough sketch where the activity will take place on the lower portion. The area will be marked off with cones to train 6-8 students on driving ambulances. The area has been used for training before. Selectmen Multer moved to approve use of Mitchell Field for training on

Saturday at 1:00; motion passed 3-0.

15. Harpswell Festival Request For Use of Mitchell Field: Chairman Henderson moved, seconded by Selectman Multer to approve the application submitted by Harpswell Festival, Inc. for the Use of Mitchell Field for a community event on Saturday, July 24; with the Town agreeing to: be a sponsor of the event, waive provisions of the Group Use Policy that require payment of an advance deposit fee and payment of a per person attendance fee; agreeing to allow amplification of sound as described in the application, the use of motorized vehicles and the use of the pier for fireworks; and that Harpswell Festival, Inc. will be responsible for monitoring shorefront activity and for preventing unauthorized access to the pier; motion passed 3-0.

16. Consider Request to Accept Carrying Place Sign: Chairman Henderson read the Carrying Place Assembly's request to have the Town accept the sign. Chairman Henderson asked if the Town accepts it, does the Town have to obtain a sign permit from Brunswick in its name and what the Town's liability and responsibilities are regarding the sign. Gary Anderson, of the Carrying Place Assembly, stated the sign is part of a larger project, to teach the kids Harpswell's history. Someday, he sees the sign being given to the children. The Board asked questions as to what that means now as the Assembly is trying to give it to the Town. Mr. Anderson stated the sign is being given to the Town in the name of the children and for the Town to insure it, while the Assembly will maintain it. The Gift Ordinance was reviewed. Chairman Henderson asked for the details regarding the Town's responsibility and the Assembly's responsibilities. Mr. Anderson stated the Assembly would like to see the sign remain there forever. Chairman Henderson asked for the Assembly to write a proposal to the Town with several details as mentioned and Selectman Multer suggested the Town write it to assure we get what we want. The Board agreed to table the item and wait for a draft agreement.

17. Appointments

- **Committees** The Board appointed Paula Conley to the Affordable Housing until 2014; Ellen Lebauer, John Perry to Board of Appeals until 2013; John Chiquoine to Board of Appeals to 2012; Daniel Huber to Board of Appeals to 2011; and Ellen Lebauer to Budget Advisory to 2013. The Board discussed the position of Marguerite Kelly re the Budget Advisory and Selectman Multer stated she would not be happy with Marguerite not being part of the Committee. Administrator Eiane stated that Ms. Kelly, as an employee should not be part of a Committee. The Board agreed Ms. Kelly can be an advisory and not a voting member. The Board extended the Communication Advisory Committee members appointment until the completion of the Franchise Agreement. The Board appoint Louse Huntington until 2013 to the Comprehensive Plan Implementation Committee; Anne Perry and Ann Nemrow to the Conservation Commission to 2013; Sue Vachon to Conservation Commission to 2011; Marguerite Kelly and Mark Wallace as voting ex officio members of the Emergency Vehicle Committee; Daniel Huber to the Energy Committee to 2013; Stephen Rowe and Jack Dostie to Harbor & Waterfront until 2013 and Richard Moseley until 2012; Shelly Wilson, David Wilson to Marine Resources to 2012; Weston Watts and Vincent Hersey to Marine Resources to 2011; Karin Blake to Mitchell Field Implementation to 2012; Joanne Roger to Planning Board to 2012, Debora Levensailor and Burr Taylor as Associates to the Planning Board until 2011; Tony Barrett, Susan Rich and David Brooks to the Recreation until 13, 13, 12 respectively; Anita Veilleux, Thomas Haible to 2012 and Henry Schwartz to 2011 to the Solid Waste; David Hackett and Chris Coffin to Town Lands until 2011; John Loyd Jr. and Jane Smith to Town Lands to 2013, Paul Conley to Town Lands as Associate to 2011, and Ned Perry as associate to Town Lands to 2011. Chairman Henderson moved, seconded by Selectman Multer the selected appointments; motion passed 3-0.
- **Appointed Officials** Chairman Henderson moved, seconded by Selectman Multer to appoint the following officials to April 30, 2011: William Wells as Code Enforcement Officer and Local Plumbing Inspector; Jason Marshall as Addressing Officer; Frank True Jr. as Fire Warden; Patricia Frank, Linda Strickland, Fred Cantu, Greg Tisdale, Richard Wyer, and Lisa True as Deputy Fire Wardens; George Johnson as Animal Control Officer; Monica Graves as Alternate Animal Control Officer; Tim Vail as Tree

Warden; Louis Levesque as Sealer of Weights; David Mercier, William Beazley, Benjamin Wallace as Fire Chiefs to their respective departments; Kristi Eiane and Linda Strickland as General Assistance Administrators; Terri Sawyer as Health Officer; Richard Wyer as Constable; William Labbe as Emergency Management Agent; James Hays as Harbormaster; George Bradbury, Bradley Rogers and Kyle Neugebauer as Shellfish Conservation Wardens.

17a. Consider Recreational Grant Programs: Gina Perow, Recreation Director, explained two potential grant concepts. The first is with Liberty Mutual Insurance Company that is competition-based where fans and parents of Harpswell sports log into the Liberty Mutual site and take a good sportsmanship survey. The Town with the most responses will be awarded \$2,500 for use in the Recreation area. Administrator Eiane expressed concerns as this would be a link on the Town's website to a private company's site that is getting individual information for possible marketing purposes. Ms. Perow stated that Liberty Mutual is in partnership with the League the Town is involved with. Ms. Perow noted that it would be an individual's choice to give email address and participate. Ms. Perow would plan to purchase, if the Town won, a fence guard for the top of the chain link fence and new catching equipment. Selectman Multer and Chairman Henderson expressed concern about participating due to privacy issues and not wanting the Town to be responsible for encouraging the activity. Ms. Perow explained the next grant is funded by DHHS and Maine CDC under the Maine Skin Cancer Prevention Program, to assure adequate shade from the sun, for up to \$5,000. Ms. Perow would like to purchase sun shades for the bleachers and wide rim hats, sunglasses etc. for the children who participate in the outdoor programs. Selectman Multer suggested sun screen and Ms. Perow responded that oddly the program doesn't allow sun screen. Chairman Henderson moved, seconded by Selectman Multer to endorse the application; motion passed 3-0.

18. Revision to Public Participation Policy: Selectman Multer moved, seconded by Chairman Henderson to adopt the revision to the policy; motion passed 3-0.

19. Maine Municipal Association Executive Committee Nominations: The Board members declined to be candidates for the Committee.

20. Consider Wage and Salary Adjustments: Chairman Henderson noted the draft of staff increases all reflect 2% with the exception of the Deputy Town Administrator. Administrator Eiane stated she believed this position continues to take on more responsibilities such as the website, information technology and in the financial area. The staff person performs at an exceptional level and continues to save the Town money, and she recommends recognizing this. Administrator Eiane stated this person deserved to be the second highest paid person in the Town Office structure. Selectman Multer agreed. Selectman Wallace stated he couldn't support it as Town Meeting expressed concern about 2% and he doesn't want to go above that. Administrator Eiane explained she came to the Board previously about reallocating funds with the administration department to cover this raise. Chairman Henderson expressed the need to retain employees. Chairman Henderson moved, seconded by Selectman Multer to raise the Deputy Town Administrator's salary to \$52,257; motion passed 2-1 (Selectman Wallace opposed). Chairman Henderson moved, seconded by Selectman Multer to provide a 2% raise to the Recycling Center Manager; motion passed 2-0 (Selectman Wallace abstained). Selectman Multer moved, seconded by Chairman Henderson to approve the remaining pay increases listed; motion passed 3-0.

21. Old Business

- **Sponsorship Policy** The Board discussed the proposed policy. Selectman Multer moved, seconded by Selectman Wallace to adopt the policy; motion passed 3-0.
- **Design Review Committee Mission Statement:** Selectman Multer passed out suggested revisions that combine the proposal from the Committee and Chairman Henderson's original suggestion. Selectman Multer moved, seconded by Chairman Henderson to adopt the mission; motion passed 3-0.

22. Consent Agenda: 1) Approval of the Minutes; 2) Consider Contract Extension with Beth Della Valle Re: Comprehensive Plan: Chairman Henderson suggested this item be placed in the beginning of the agenda. Chairman Henderson moved, seconded by Selectman Multer to adopt the consent agenda; motion passed 3-0.

23. Authorization of the Warrant: Selectman Wallace moved, seconded by Chairman Henderson to authorize warrant #25 in the amount of \$136,031.11; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #26 in the amount of \$1,625.78; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #17 in the amount of \$13,998.42 was noted for the record.

24. Adjournment: The meeting adjourned by unanimous vote at 10:20 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report
Resolution

[Attachments are available at the Town Clerk's Office or by email at harpowell@gwi.net]